THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION Nos. 10277 OF 2005

Date: 10-02-2006

Between:

Dasari Lakshmi.

…Petitioner

And

The Superintendent of Police, Guntur District & others.

…Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION Nos. 10277 OF 2005

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

The petition is filed by mother of an alleged detenue in the nature of Habeas Corpus.

It is stated that the alleged detenue was married to respondent No.4 on 24.5.2002. After marriage, the alleged detenue was harassed and ill-treated by her mother-in-law and other unofficial respondents. Respondent No.4 informed her on phone on 27.10.2004 that the alleged detenu was not well and he had taken her to the hospital at 9 a.m. She did not return home. Then the petitioner and her husband went to Guntur to the house of respondent No.4 and made enquiries about the detenue. There was no proper response from respondent No.4 and other family members. Therefore, they went to Police Station and gave a report. The Police registered a case of missing woman, but did not register the case under dowry harassment. They came to know that respondent Nos.4 to 6 caused disappearance of her daughter. They were being called to Police Station and let off. Respondent Nos.4 to 6 were hobnobing with respondent No.3 Police Station. The petitioner also complained that she suspects that the Police had knowledge as to what had happened to the detenue, but they are not doing anything in the matter. The Police are proclaiming that they know the whereabouts of the detenue. The petitioner also gave a report to respondent No.3 on 21.3.2005 and this report was sent by registered post with acknowledgement due. Copies were sent through registered post to District Collector. Inspite of knowledge, the inaction of respondent No.3 to trace the daughter of the petitioner was illegal, therefore, they sought a direction from this Court to respondent No.3 to produce the petitioner's daughter.

We passed several orders on this writ petition from 28.4.2005 till 24.10.2005. On 24.10.2005, case was heard and judgment was reserved. The judgment was not delivered purposely till now, hoping

that the Police would find the alleged detenue and produce her in the Court. On every day, when the case was listed, the Police informed the Court that they were doing all that was possible, but were not able to find out the detenue.

On 5.7.2005, this Court gave ten days time to the official respondents to find out the missing woman and it also directed that if the alleged detenue is not located, then the Superintendent of Police, Guntur District shall remain present. Again on 14.7.2005, eight weeks time was granted. On 19.9.2005 again, the Superintendent of Police, Guntur District was summoned. On 21.10.2005, again the case was adjourned.

Counter affidavit and additional counter affidavits were filed on behalf of Police. Counter affidavit has been filed by respondent No.6 on his behalf and also on behalf of other private respondents.

Respondent No.6 stated in his counter that he is the maternal uncle of respondent No.4. Mother of respondent No.4 is his elder sister. Respondent No.3 is younger brother of respondent No.4. He accepted that the marriage between the alleged detenue and respondent No.4 had taken place in the year 2002 and the couple was living happily, but after two years of marriage, the petitioner's daughter left the matrimonial house on 27.4.2004 with her friend Rebba Laxmi. Respondent No.4 immediately informed this to the petitioner. Although respondent No.4 is the husband of the alleged detenue, when she left the house on 27.4.2004, he did not inform the Police. Report was only filed on 01.05.2004, that too, by the petitioner.

The Police, in the counter affidavit and additional counter affidavits, have mentioned the steps they have taken to trace out the alleged detenue, but they have not been able to trace out her.

The Case Diary makes an interesting reading. There is an entry on 1.5.2004 in the Case Diary Part-I, in which it is mentioned that a report was lodged about a missing girl and after receipt of the notice,

the Investigating Officer visited the house of the missing lady and then he recorded the statements of certain witnesses. From 1.5.2004 to 10.5.2004, there is nothing recorded in the Case Diary and on 10.5.2004, it was recorded by the Investigating Officer i.e. Sub-Inspector of Police, *"In fact a radio message is flashed on wireless grid with request to make enquiries for the missing woman and the particulars of her including the wearing apparels of the missing woman and so far no information is received."* He also stated that he moved in Guntur Town, published pamphlets with photos of the missing woman. Thereafter, there is no entry from 10.5.2004 to 30.5.2004. On 30.5.2004 it is recorded that a clue had become available to the investigating authority that Rebba Lakshmi worked as a servant maid at Hyderabad, therefore, the Police in Twin Cities were informed about the particulars of the missing woman. After 30.5.2004, there is an entry in the Case Diary on 14.6.2004, which only shows that Investigating Officer moved in the town and caused inquiries about the missing woman and also Rebba Lakshmi, but got no useful clues. After fourteen days, there is an entry on 19.6.2004. The same is the position thereafter. After ten days or fifteen days, an entry is made in the Case Diary, which appears to be a stage-managed-show, and it appears to the Court *prima facie*, that these entries were made in the Police Station itself. Except saying that a photograph and posters were pasted in certain areas, we do not find any serious effort has been made by the Police to trace out the missing woman. In para 17 of the counter-affidavit also, the Police have mentioned –

> *"I submit that during the period 25.8.2004 to 9.9.2004 on the eve of Krishna Pushkaram, 18.9.2004 to 26.9.2004 in connection with Vinayaka Nimajjanam, 13.9.2005 to 18.9.2005 during Vinayaka Nimajjanam, 24.9.2005 in connection with Municipal elections and 22.10.2005 in connection with cooperative elections our Police personnel attended bandobust duties. It is submitted that Investigating Officer has made 34 visits on this case, involving 54 man days. Similarly the other Police personnel made 85 visits involving 238 man days exclusively for the investigation of the present case."*

They have also given a table containing the crime details in the District for the years 2002, 2003 and 2004. It is also stated that the said Police Station is a very important Police Station of Guntur District, catering to sixty five thousand people and it has to deal with all sorts of cases. That is no answer. People have right to live and the petitioner has right to know as to what has happened to her daughter. The husband of missing woman has no worry about his wife and he appears to be pretty happy that his wife is gone. It cannot be accepted that Police has much work to do therefore, the people's right to life can be compromised, as was suggested during hearing.

We are of the considered view that the lives of citizens are being treated shabbily by the Police concerned and they are not conscious of the rights and dignity of a human being. If, at the end of the day, it is found that the alleged detenue has lost her life during the period or if she is forced to do something which is against the dignity of women, who will be responsible ? After all, we cannot tell the petitioner that our Police have done what was possible to have been done, therefore, your daughter cannot be found out. These are serious issues, which not only tarnish the image of the Police and law enforcing agencies, but also of the Courts. The Police concerned have not taken steps which should have been taken and even after giving a long rope to them, they have not done anything in the matter.

Therefore, we allow this writ petition and direct the Police concerned to produce the detenue as and when found. In the meantime, we direct the Director General of Police, Andhra Pradesh, to initiate an inquiry against the officials, who were responsible for investigation of the case. The report of the inquiry shall be furnished to this Court within three months. In the meantime, efforts shall be made to trace out the detenue and as and when she is located, she shall be produced before the Court. After the report is received from the Director General of Police, it shall be brought to the notice of the Court by the Registrar (Judicial). Copy of this order shall be sent to the Chief Secretary of the State and to the Director General of Police.

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(BILAL NAZKI, J)

10-02-2006

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(R.SUBHASH REDDY, J)

N.B:

Furnish copy of this order to:

1) The Chief Secretary to the Government of A.P., Hyderabad.

2) The Director General of Police, A.P., Hyderabad.

(B/o)

ajr